

02-05-02

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01/31/02  
JCS25 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6152CIP2/D1  
Anticipated Classification of this application:  
Class: 514 Subclass:  
Prior application: Examiner: Schnizer, Holly D.  
Art unit: 1653

J1046 U.S. PTO  
10/062624  
01/31/02

The Honorable Commissioner of Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application, under 37 CFR 1.53(b), of pending prior application Serial No. 09/660,587 filed on September 12, 2000, entitled **Homologous 28-Kilodalton Immunodominant Protein of Ehrlichia canis and Uses Thereof.**

1. ☒ Enclosed is a complete copy of the prior application, including the declaration as originally filed.
2. ☒ Small entity status under 37 CFR 1.9 and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For:	No. filed	No. extra
Basic Fee		
Total claims*	20 = <u>2</u>	<u>0</u>
Indep. claims*	3 = <u>1</u>	<u>0</u>

0 Multiple Dependent Claim Presented

Fees for Small Entity		or	Fees for other than a small entity	
Rate	Fee		Rate	Fee
	\$370.00	or		\$
<u>    </u> x \$42 = \$		or	<u>    </u> x \$ = \$	<u>    </u>
<u>    </u> x \$ 9 = \$		or	<u>    </u> x \$ = \$	<u>    </u>
+ \$ = \$		or	\$ = \$	<u>    </u>
TOTAL	\$370.00	or	TOTAL	\$ <u>    </u>

4. a.      A check in the amount of \$      is enclosed.
- b. ☒ The Commissioner is hereby authorized to charge the \$370 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185.

1005254-04340

OFFICE OF THE SECRETARY

5. X Cancel in this application original claims 1-11 and 14-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. X Amend the specification by inserting on page 1, before the first line, the sentence: -- This is a divisional application of U.S.S.N. 09/660,279 filed on September 12, 2000.--
7.      Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. X There are 16 drawings on 20 sheets enclosed.
9.      Priority of application serial no.      filed on in     , is claimed under 35 U.S.C. 119.
- The certified copy of the priority application has been filed in prior application serial no.
10. a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
- X the same
- b. X The inventorship for all the claims in the application is:
- X the same
- not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. X The prior application is not assigned of record.
12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.
- a. X The power appears in the original papers in the prior application in the form of a Combined Declaration and Power of Attorney (copy enclosed).
- b.      Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.
- c. X Address all future communications to:

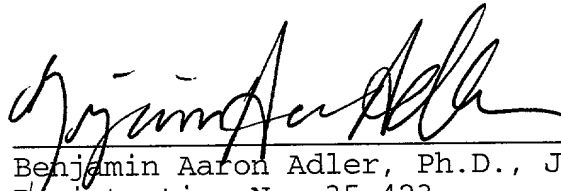
- c. ☒ Address all future communications to:

Benjamin Aaron Adler, Ph.D., J.D.  
Adler & Associates  
8011 Candle Lane  
Houston, Texas 77071

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
- a. ☐ A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
14. ☒ The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

Jan 31, 2002

Date



Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Attorney for Applicant

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8011 Candle Lane  
Houston, Texas 77071  
(713) 270-5391  
BADLER1@houston.rr.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Walker *et al.*

§

ART UNIT:

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FILED: January 31, 2002

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EXAMINER:

SERIAL NO.:

§

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FOR: Homologous 28-Kilodalton  
Immunodominant Protein Genes of  
*Ehrlichia Canis* and Uses Thereof

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DOCKET:

D6152CIP2/D1

The Honorable Commissioner of Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

COMPLIANCE OF REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES

Dear Sir:

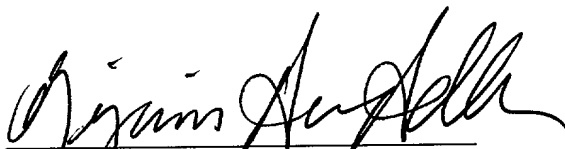
Applicant provides a computer readable form of the Sequence Listing on the enclosed 3.5 inch disk and a paper copy thereof for the above-referenced application. The disk is a 1.44 Mb DOS-formatted disk. The file is stored as D6152CIP2-D1SEQ in text format. I hereby state that the content of the paper copy of the Sequence Listing filed as part of the above-captioned application and the enclosed computer readable copy of the Sequence Listing are the same.

Respectfully submitted,

Date:

Jan 31, 2002

ADLER & ASSOCIATES  
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(713) 270-5391  
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Benjamin Aaron Adler, Ph.D., J.D.  
Counsel for Applicant  
Registration No. 35,423

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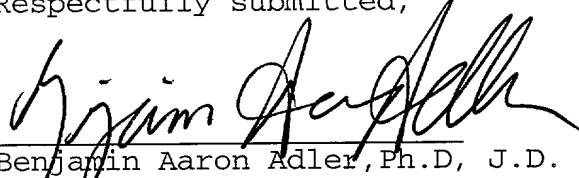
The Honorable Commissioner of Patents  
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CERTIFICATE OF EXPRESS MAILING  
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EL868052419US in an envelope addressed to: The Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231, BOX PATENT APPLICATION, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,



Benjamin Aaron Adler, Ph.D, J.D.  
Registration No. 35,423

DATE:

Jan 31, 2002

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